

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

---



Sixteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 3-14 March 2013

ELEPHANTS

These documents have been submitted by the Secretariat in relation to agenda item 53.2.1 on *Elephants – Report of the Secretariat*. They are reports from Viet Nam and Malaysia.



**Ministry of Agriculture and Rural Development**  
**ADMINISTRATION OF FORESTRY**  
**VIETNAM CITES MANAGEMENT AUTHORITY**



3<sup>rd</sup> March 2012

Mr. John E. Scanlon  
Secretary General  
CITES Secretariat

**Re: Implementation of Resolution Conf. 10.10 (Rev.CoP15) & Decision 13.26 (Rev. CoP15) in Viet Nam**

Dear Mr. John E. Scanlon,

We would like to apologize for the lateness in our submission of this report, and hereby provide you the information on Implementation of Resolution Conf. 10.10 (Rev.CoP15) and Decision 13.26 (Rev. CoP15) in Viet Nam.

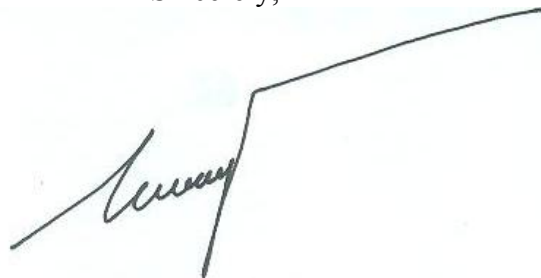
- In Viet Nam, populations of wild Asian elephants have experienced a dramatic decline over the last 20 years. A review of records from 1995-1998 estimated 109-144 elephants remained in 20 locations; and in 2004 a review by Flora and Fauna International (FFI) showed an estimated population of 57-82 elephants in 11 locations.
- At present there is no reliable estimate of the size of the current elephant population in Viet Nam because there have been lacking in comprehensive survey in all of their habitats; the base on the information regarded from scientific reports, experts we estimated that there are under 100 individuals in the wild, with a higher proportion in trans-boundary areas with Cambodia and Lao PDR.
- Habitat loss, degradation and fragmentation from expanding human populations and increased agricultural development were the greatest threats to elephant in the past with related increases in elephant killings by poisons due to human-elephant conflict.
- More recently, a growing threat posed to elephant populations globally is from illegal poaching for the international trade in their body parts (e.g. ivory, meat, skin and tail hair) or as live individuals for domestication, tourist attractions, or circus performances. Despite Viet Nam's small elephant population, illegal killing is a serious and seemingly growing threat due to human - elephant conflict.
- Historically, ivory trade in Viet Nam was at a small scale, with the product consumed by a wealthy minority. Recently, number of illegal trade of ivory items products have discovered and seized in Vietnam. It is observed that there are some illegal sales of ivory item in domestic markets. But it requires a comprehensive survey on the domestic markets to evaluate the real situation of the markets. Fake ivory is very commonly found for sale in Viet Nam and often made from plastics, ceramic, bone or possibly from specimens of other animals such as wild pig or hippo.
- Large shipments of ivory generally enter the country via sea-ports, with Hai Phong and Ho Chi Minh City as common destinations. Ivory is often hidden under other items (e.g. frozen fish, dried seaweed, and timber). Smaller shipments were also recorded entering the country over land, for example from Lao PDR into central Viet Nam; from there it is often transported north and maybe to the third country destination. In addition to the large quantities passing through Viet Nam, a number of illegally traded in Hanoi and Ho Chi Minh City were detected and seized.

- Since 1963, Viet Nam Government has issued a regulation to ban the elephant hunting. With the decision no 940/QĐ-TTg of 19 July 2012, the Prime Minister has approved the Urgent Action Plan for Elephant Conservation to 2020.
- Asian elephants are a Group IB species in Vietnamese law (Decree 32/2006/ND-CP) and thus all kinds of exploitation and use for commercial purposes (including hunting, transporting, processing, advertising, importing, exporting and trading) are prohibited.
- Following Vietnamese law (Decree 82/2006/ND-CP and Decree 59/2010/TT-BNNPTNT), the export or import for commercial purposes of species and their products listed in CITES Appendix I is prohibited. Specimens regulated under Appendix I of CITES are treated as Decree 32 Group I species in Vietnamese law (i.e. Strictly protected).
- In January 2013, the Prime Minister of Viet Nam issued Decision 11 on the Prohibition of the export, import, selling and buying of specimens of some wild animals listed under Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This Decision prohibits all domestic sales of these species and their products and bans the import of *Loxodonta africana* and their products into Viet Nam, except specimens serving for diplomatic purposes, research, exhibition and other non-commercial purposes.
- Individuals and organizations violating these Vietnamese regulations shall be subject to administrative sanctions or criminal prosecution. Illegal trading will be subject to criminal prosecution in accordance with Item 1 of Article 190 of the Criminal Code if the species is listed in Group IB and is “*causing extremely serious consequence*” (involves the minimum number of individual animals defined in Inter-Agency circular 19/2007 (for Asian elephants: 1 elephant or more), or if the value of specimens exceeds 50 million VND (US\$2,400).
- Those who illegally trade in ivory or other products of elephants can be fined between 50 million and 500 million VND (US\$2,400-US\$24,000), and imprisoned for between 6 months and 3 years. Those committing such crimes in ‘an organized manner’, or ‘causing very serious or particularly serious consequences’ shall be imprisoned for between 2 and 7 years. Offenders may also be fined between 10 million and 100 million VND (\$480-\$4800), and banned from holding certain posts or jobs for between 1 and 5 years (Penal Code Amendment 37/2009/QH12, of Article 190 of the Criminal Code)
- Directive 90/2008/TT-BNN states that confiscated dead specimens listed in CITES Appendix I, imported into Viet Nam from other countries should be returned to the exporting or re-exporting country in accordance with CITES regulations. If this is not possible they are only transferred to science and education centres, government management organizations, rescue centres, or museums. If the specimens contain disease, they must be destroyed. Since national stockpile has been established, a number of confiscated ivory are currently kept at many different places in the nation such as the National Natural History Museum, storage of customs authorities and the police.
- In 2004, the Vietnamese authorities made their first seizure of ivory illegally traded from Africa. 730kg of ivory were found in a goods store in Long Bien district, Hanoi. Since that time over 23,000kg have been seized, mostly in northern Vietnam - on the road to other countries. In recent years, however, more seizures have occurred in the South of Viet Nam (see Annex 1).

- International cooperation and domestic inter-agency cooperation is steadily strengthened in Vietnam. For example, on 18 July 2012 following intelligence from the Thailand CITES MA on an ambiguous illegal shipment of ivory transiting in Bangkok from Kenya to Vietnam, two passenger were arrested and 137 kg of Ivory were seized, as a result of cooperation between Vietnam CITES MA with our colleagues in the Custom Investigation and smuggling prevention Department and with the Custom enforcement unit of Tan Son Nhat international airport in Ho Chi Minh City.
- Identifying the individuals in Viet Nam coordinating this transit trade has been a challenge, but recent cases show how our agencies are improving in this respect. For example, in 2012 following the Customs-led seizure of 2,475kg of ivory in Ho Chi Minh City, Police led an investigation leading to the arrest and prosecution of the Director and Vice-Director of the Import-Export company. In November 2011, working on intelligence from Hai Phong Customs, the Environmental Police of Quang Ninh followed a truck to the Chinese border town of Mong Cai and seized 300kg of ivory, and arrested the individuals involved.
- In 2012, with support from China's International Fund for Elephant Conservation, the Vietnam CITES MA held a training session for 41 officers from Border army, Customs, Forest Protection Departments (FPD) and Police from key border smuggling points of Quang Ninh province, Hai Phong City and Hai Duong province in addition to other key border smuggling points in Central Vietnam (Thanh Hoa, Nghe An and Ha Tinh province) and additionally Hanoi and Ho Chi Minh City. Topics covered key legislation, sharing information on common smuggling techniques and scale of smuggling in Viet Nam and the region, elephant conservation, and trade management
- In response to increasing levels of wildlife crimes and in recognition of the need for strengthening inter-agency co-operation, in 2010, the Government of Vietnam established a National Steering Committee for the control of illegal wildlife trade or Viet Nam Wildlife Enforcement Network (Vietnam-WEN). Since then, the cooperation meeting of National Steering Committee was held twice a year and combat illegal rhino horn trade is always the first priority.
- CITES MA in cooperation with other relevant agencies has conducted a number of training courses to strengthen capacity of enforcement officers on wildlife trade control. For example, at least twice a year, the CITES MA in cooperation with Custom Training centers conducts a training course for custom officers on CITES implementation, including specific information on Ivory trade, smuggling techniques and identification.

Thank you for your cooperation.

Sincerely,



**Do Quang Tung**  
Acting Director

**Annex 1: Ivory Seizures in Vietnam**

Year	Origin (and route)	Where Seized	Quantity (pieces)	Weight (kg)	Date
2004	Tanzania	Long Biên, Hà Nội		730	December
2006		Road 1A, Quảng Xương, Thanh Hóa	11		October
		Quảng Ninh	26	117.5	December
2009	Tanzania (via Singapore)	Đình Vũ, Hải Phòng		8,264.44	6 <sup>th</sup> March
	Kenya	Chùa Vẽ, Hải Phòng		511	July
	Tanzania (via Singapore)	Chùa Vẽ, Hải Phòng		2,005.6	22 <sup>nd</sup> August
		Road HCM, Luân Thành, Thường Xuân – Thanh Hóa	16	94	August
	Mozambique	Chùa Vẽ, Hải Phòng	138	611	September
2010	Africa	Tiên Yên, Quảng Ninh	30	149.3	March
	Mombasa, Kenya (via Singapore)	Đoạn Xá, Hải Phòng	985	2,194.20	4 <sup>th</sup> May
	Penang, Malaysia (via Tanjung Pelepas, Malaysia)	Chùa Vẽ, Hải Phòng	367	1,518.43	14 <sup>th</sup> May
	Mozambique (via Singapore)	Chùa Vẽ, Hải Phòng		383	25 <sup>th</sup> May
	Tanzania (via Singapore)	Chùa Vẽ, Hải Phòng	605	1,245.80	26 <sup>th</sup> May
		Road No. 10, Thái Bình	13	82	May
		Open sea in Bình Thuận (12km from beach)		100	October
2011	Tanzania (via Penang, Malaysia)	Đoạn Xá, Hải Phòng	463	1,137.70	13 <sup>th</sup> January
	Dar Es Slaam, Tanzania (via Tanjung Pelepas, Malaysia)	Tân Cảng	205	506.00	26 <sup>th</sup> April
		Hải Yên, Móng Cái	112	296	18 <sup>th</sup> April
	Tanzania	Hải Phòng		600	5 <sup>th</sup> May
		Tân Cảng		875.4	12 <sup>th</sup> May
		Chi Linh, Hải Dương		15	5 <sup>th</sup> July
		Road No. 1A-Hà Tĩnh-Vinh		209	September
		Ka Long ward, Móng Cái	221	1,000	October
		Hải Phòng		300	2 <sup>nd</sup> November
	Paris	Noi Bai airport, Hà Nội		70	30 <sup>th</sup> December
2012 (to date)	Africa	Ho Chi Minh City		285	4 <sup>th</sup> April
		Ha Noi		19	17 <sup>th</sup> Sept
	Mozambique	Ho Chi Minh City		2,475	November
	Singapore	Da Nang		31.6	December
<b>Approximate total seized 2004 – to date</b>				<b>25,825kg</b>	

## Elephant Conservation, Illegal Killing and Ivory Trade.

### a) Enforcement/Control activities implemented

The Ministry of Natural Resources and Environment, together with the Department of Wildlife and National Parks, have been working closely with other enforcement agencies such as the Royal Malaysian Customs, Malaysian Maritime Enforcement Agency and Interpol in curbing illegal smuggling activities of wildlife or its by-products. From 2011 to 2012, 6 smuggling attempts had been successfully intercepted through this initiative. Detailed data are as follows;

No	Date ivory seized	Location	Weight (Kg)	Unit	
1	08/07/2011	Port Pasir Gudang, Johor	2,928.00	405	
2	19/08/2011	Port Butterworth, Pulau Pinang	1,586.50	664	
3	02/09/2011	West Port, Port Klang Selangor	2,000.00	695	
4	12/12/2011	West Port, Port Klang Selangor	16,000.00	NA	
5	06/01/2012	West Port, Port Klang Selangor	492.39	49	
6	11/12/2012	West Port, Port Klang Selangor	NA	2,341	

### b) Domestic-level activities

Elephant, including parts and derivatives, is listed as Totally Protected Wildlife, on Second Schedule of the Wildlife Conservation Act 2010 [Act 716]. This means that the hunting, keeping, import, export or re-export of the species is prohibited. This species is also listed under Appendix I of the International Trade In Endangered Species Act 2008 [Act 686] where the trade of the species is prohibited.

c) Collaborations and partnership with other range states

Malaysia with ASEAN member states has collaborated to control the illegal ivory trade through the ASEAN Wildlife Enforcement Network (ASEAN-WEN). The ASEAN Regional Action Plan on Trade in CITES Wild Fauna and Flora (2011-2015) provides a framework for enhanced specifically addresses common issues of law enforcement networking, inter-agency co-operation, strengthening national legislation, and increasing the availability of scientific information to guide wildlife trade management by CITES authorities.

d) To provide detail on utilization of DNA sampling or utilization of forensics (if any) on the ivory cases Malaysia in the process of conducting DNA sampling each of the ivory to trace the source of ivory in illegal trade. Exchange of information in determining the origin of elephants through DNA analysis among parties should be enhanced further through the various channels.

e) Action taken by Malaysia for conservation of domestic elephant species.

As part of the country's effort in protecting the natural habitat of its wildlife, the Master Plan for Central Forest Spine (CFS) was established in 2010. Promoting the concept of sustainable development, the Master Plan dwells on the establishment and implementation phases of 37 ecological corridors to link fragmented forests with the main forest complexes in Peninsular Malaysia for the conservation of biodiversity. Upon successful implementation, these corridors are expected to provide additional ranges for wildlife especially elephants. Furthermore, wildlife corridors can be useful in facilitating the re-establishment of wildlife population.

Malaysia continues to work closely with other parties to address this illegal ivory trade issue. The success in intercepting illegal consignment of wildlife parts recently is proof that combating illegal wildlife activities requires cooperation and concerted efforts from the

various parties and one party alone is not capable of addressing the issue.



## Elephant Conservation, Illegal Killing and Ivory Trade.

### a) Enforcement/Control activities implemented

The Ministry of Natural Resources and Environment, together with the Department of Wildlife and National Parks, have been working closely with other enforcement agencies such as the Royal Malaysian Customs, Malaysian Maritime Enforcement Agency and Interpol in curbing illegal smuggling activities of wildlife or its by-products. From 2011 to 2012, 6 smuggling attempts had been successfully intercepted through this initiative. Detailed data are as follows;

No	Date ivory seized	Location	Weight (Kg)	Unit	
1	08/07/2011	Port Pasir Gudang, Johor	2,928.00	405	
2	19/08/2011	Port Butterworth, Pulau Pinang	1,586.50	664	
3	02/09/2011	West Port, Port Klang Selangor	2,000.00	695	
4	12/12/2011	West Port, Port Klang Selangor	16,000.00	NA	
5	06/01/2012	West Port, Port Klang Selangor	492.39	49	
6	11/12/2012	West Port, Port Klang Selangor	NA	2,341	

### b) Domestic-level activities

Elephant, including parts and derivatives, is listed as Totally Protected Wildlife, on Second Schedule of the Wildlife Conservation Act 2010 [Act 716]. This means that the hunting, keeping, import, export or re-export of the species is prohibited. This species is also listed under Appendix I of the International Trade In Endangered Species Act 2008 [Act 686] where the trade of the species is prohibited.

c) Collaborations and partnership with other range states

Malaysia with ASEAN member states has collaborated to control the illegal ivory trade through the ASEAN Wildlife Enforcement Network (ASEAN-WEN). The ASEAN Regional Action Plan on Trade in CITES Wild Fauna and Flora (2011-2015) provides a framework for enhanced specifically addresses common issues of law enforcement networking, inter-agency co-operation, strengthening national legislation, and increasing the availability of scientific information to guide wildlife trade management by CITES authorities.

d) To provide detail on utilization of DNA sampling or utilization of forensics (if any) on the ivory cases Malaysia in the process of conducting DNA sampling each of the ivory to trace the source of ivory in illegal trade. Exchange of information in determining the origin of elephants through DNA analysis among parties should be enhanced further through the various channels.

e) Action taken by Malaysia for conservation of domestic elephant species.

As part of the country's effort in protecting the natural habitat of its wildlife, the Master Plan for Central Forest Spine (CFS) was established in 2010. Promoting the concept of sustainable development, the Master Plan dwells on the establishment and implementation phases of 37 ecological corridors to link fragmented forests with the main forest complexes in Peninsular Malaysia for the conservation of biodiversity. Upon successful implementation, these corridors are expected to provide additional ranges for wildlife especially elephants. Furthermore, wildlife corridors can be useful in facilitating the re-establishment of wildlife population.

Malaysia continues to work closely with other parties to address this illegal ivory trade issue. The success in intercepting illegal consignment of wildlife parts recently is proof that combating illegal wildlife activities requires cooperation and concerted efforts from the

various parties and one party alone is not capable of addressing the issue.